

1400 Independence Avenue, SW. Room 3071-S, STOP 0201 Washington, DC 20250-0201

NOTICE OF TEMPORARY VARIANCE APPROVAL

To:

Accredited Certifying Agents

From:

Rex A. Barnes, Associate Administrator Ref a Dune

Subject:

Temporary Variance from the USDA organic regulations, §§205.237(c),

205.240(b) and (c)(2) due to severe drought conditions.

Date:

February 12, 2014

As of January 14, 2014, the Secretary of Agriculture has designated 53 of 58 California counties as primary natural disaster areas due to severe drought. While these severe conditions affect all farms in these counties, organic ruminant livestock operations may not be able to meet the organic pasture requirements in the USDA organic regulations.

The National Organic Program (NOP) received requests to grant temporary variance from §\$205.237(c), 205.240(b) and (c)(2) of the USDA organic regulations to organic ruminant livestock operations in affected California counties. Marin Organic Certified Agriculture submitted its request on behalf of livestock producers in Marin County and regional areas; and CCOF submitted its request on behalf of livestock producers in drought-affected and neighboring counties in western states. The USDA has reviewed these requests according to requirements under §205.290. Based upon the submitted evidence, the number of counties included in the temporary variance requests, and the USDA's natural disaster area designations, a temporary variance is granted from §\$205.237(c), 205.240(b) and (c)(2) for the 2014 grazing season with the following restrictions:

- This temporary variance applies only to organic ruminant livestock producers located in California counties designated as primary natural disaster areas by Secretary Thomas J. Vilsack in 2014 and consider February and March 2014 as part of their grazing season.
- Organic ruminant livestock producers, whose grazing season includes February and March 2014, are not required to graze or provide dry matter intake from pasture during this time period. Producers may reduce their 2014 grazing season by the number of days that correspond to this time period in their grazing plan.
- This temporary variance applies to the 2014 calendar year only; producers must be able to comply with the USDA organic regulations in 2015, or ask that their certifying agent submit a new temporary variance request for 2015.

The National Organic Program will reassess this temporary variance as the year progresses to determine whether further action is to be taken due to drought conditions. The NOP will continue to work with other USDA agencies to ensure certified organic operations have access to useful resources such as the Disaster Assistance Program as found on the USDA Farm Service Agency's website: http://www.fsa.usda.gov.

If you have any questions regarding this decision, please contact your NOP Accreditation Manager at (202) 720-3252 or via email.